

### **REMARKS**

This response is intended as a complete response to the Office Action dated May 2, 2008. In view of the following discussion, the Applicants believe that all claims are in allowable form.

### **CLAIM OBJECTIONS**

Claim 36 is objected to under 37 CFR §1.75c, as being of improper dependent form for failing to further limit the subject matter of a previous claim. However, claim 36 has been cancelled. Accordingly, the present rejection is moot.

The prior pending claims further inadvertently included two claims numbered 30. The Examiner has renumbered the second claim 30 as claim 30a. However, claims 27-36 have been cancelled.

Accordingly, the Applicant submits that no outstanding objections remain.

### **CLAIM REJECTIONS**

#### **A. 35 USC §112 Claim 32**

Claim 32 stands rejected under 35 USC §112 for insufficient antecedent basis for the limitation "the waterproof ear wax trap" in line 3. However, claim 32 has been cancelled. Accordingly, the rejection is moot.

#### **B. 35 USC §102 Claims 21-22, 25-26, 32-33, 35-38 and 40-41**

Claims 21-22, 25-26, 32-33, 35-38 and 40-41 stand rejected under 35 USC. §102(b) as being anticipated by U.S. Patent No. 4,987,597 issued January 22, 1991 to *Haertl* (hereinafter *Haertl*). In response, independent claim 21 has been amended to incorporate the limitations of claim 24. As such, the rejection is moot with respect to claim 21 and claims 22 and 25-26, depending therefrom. In addition, claims 32-33 and 35-36 have been cancelled. Furthermore, claim 37 has been amended to incorporate limitations similar to those recited in claim 24.

As such, the rejection is moot with respect to claim 37 and claims 38 and 40-41, depending therefrom.

Thus, claims 21-22, 25-26, 37-38 and 40-41 are patentable over *Haertl*. Accordingly, the Applicants respectfully request that the rejection be withdrawn and the claims allowed.

C. 35 USC §103 Claims 23, 34 and 39

Claims 23, 34 and 39 stand rejected under 35 USC. §103(a) as being unpatentable over *Haertl*. The Applicants respectfully disagree. Claim 23 depends from claim 21, which as amended, includes the limitations of claim 24 incorporated therein. As such, the present rejection is moot with respect to claim 23. Claim 34 has been cancelled. Claim 39 depends from claim 37, which as amended, includes limitations similar to those of claim 24 incorporated therein. As such, the present rejection is moot with respect to claim 39.

Thus, claims 23 and 39 are patentable over *Haertl*. Accordingly, the Applicants respectfully request that the rejection be withdrawn and the claims allowed.

D. 35 USC §103 Claims 24, and 27-31

Claims 24 and 27-31 stand rejected under 35 USC. §103(a) as being unpatentable over *Haertl* in view of United States Patent No. 5,970,157 issued October 19, 1999 to *Yoest* (hereinafter *Yoest*). The Applicants respectfully disagree. In addition, claims 27-31 have been cancelled without prejudice due to similarity of subject matter with remaining claims, as amended.

Independent claim 21, amended to include the limitations of claim 24 therein, recites limitations not taught, suggested, or otherwise led to by any combination of the cited art. *Haertl* discloses an apparatus for closing openings of a hearing aid, such as sound openings. (*Haertl*, Abstract.) The apparatus includes caps 12 and 13 which are respectively disposed over a sound exit nozzle 2 and a cover 3. (*Id.*, col. 2, l. 58 – col. 3, ll. 10; Fig. 1.) Caps 12, 13 each

have microporous PTFE membranes 14. (*Id.*, col. 3, ll. 11-14.) The Examiner admits that *Heartl* fails to disclose a receiver tube (2, 23) removably coupled to the receiver (4, 21). *Heartl* further fails to disclose a receiver tube (2, 23) removably coupled to the hearing aid (1).

*Youest* is cited to allegedly teach a receiver tube (22, 1028) that is removable connectable to a hearing aid citing figures 4, 5, and 16) or coupled to a receiver (16, 1018, 1026, 824). The Applicant respectfully disagrees.

*Youest* teaches a hearing aid 10 having a shell 12 that supports or encloses a microphone 14, amplification circuitry, and a receiver 16. A receiver tube 22 coupled to the receiver 16 penetrates the shell 12 of the hearing aid 10. (*Youest*, col. 3, ll. 48 – col. 4, l. 6; Fig. 2.) The receiver tube 22 may be removably coupled to the receiver 16, but is shown coupled to the shell 12 of the hearing aid 1. (*Id.*, Fig. 5A.) The receiver tube 1028 of *Youest* is similarly described and shown as being coupled to a shell 1012 of a hearing aid 1010. (*Id.*, Fig 16 and accompanying text.)

Contrary to the assertion of the Examiner, *Youest* fails to teach, suggest, or otherwise lead to a receiver tube that is removably coupled to the shell of the hearing aid. As such, the combination of *Heartl* and *Youest* fails to yield a receiver tube removably connectable to a hearing aid; and an ear wax trap comprising a microporous membrane, wherein the ear wax trap is disposed within the receiver tube, as recited in claim 21. As such, a *prima facie* case of obviousness has not been established as the combination of the cited art fails to yield the limitations recited in the claims.

Thus, claim 24, and all claims depending therefrom, are patentable over *Haertl* in view of *Youest*. Accordingly, the Applicants respectfully request that the rejection be withdrawn and the claims allowed.

E. 35 USC §103 Claims 27-31 and 24

Claims 27-31 and 24 stand rejected under 35 USC. §103(a) as being unpatentable over *Youest* in view of *Haertl*. The Applicants respectfully disagree.

In addition, as mentioned above, claims 27-31 have been cancelled without prejudice due to similarity of subject matter with remaining claims, as amended.

Independent claim 21, amended to include the limitations of claim 24 therein, recites limitations not taught, suggested, or otherwise led to by any combination of the cited art. The teachings of *Yoesf* and *Haertl* have been discussed above. Specifically, *Yoesf* fails to teach, suggest, or otherwise lead to a receiver tube that is removably coupled to the shell of the hearing aid. As such, the combination of *Haertl* and *Yoesf* fails to yield a receiver tube removably connectable to a hearing aid; and an ear wax trap comprising a microporous membrane, wherein the ear wax trap is disposed within the receiver tube, as recited in claim 21. As such, a *prima facie* case of obviousness has not been established as the combination of the cited art fails to yield the limitations recited in the claims.

Thus, claim 24, and all claims dependent therefrom, are patentable over *Yoesf* in view of *Haertl*. Accordingly, the Applicants respectfully request that the rejection be withdrawn and the claims allowed.

### **NEW CLAIMS**

New claims 42-49 have been added to the application. Claims 42-49 depend from independent claim 37 and recite additional limitations. Claim 37 is patentable over any combination of the cited art for similar reasons as discussed above with respect to claim 21, as amended. Thus, the Applicant submits that claims 42-49 are patentable over the cited art for at least the reasons discussed above.

### **CONCLUSION**

Thus, the Applicants submit that all claims now pending are in condition for allowance. Accordingly, both further consideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Alan Taboada at (732) 935-7100 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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